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August 28, 2019

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Hon. Paul A. Engelmayer  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2201  
New York, NY 10007

Re: *Guy Carpenter & Co., LLC and Marsh & McLennan Cos., Inc. v. Timothy Gardner, Nicholas Durant, and Claude Yoder*, Case No. 19-cv-5062 (PAE)

Dear Judge Engelmayer:

We represent Plaintiffs Guy Carpenter & Company, LLC and Marsh & McLennan Companies, Inc. (“Plaintiffs”) in the above-referenced action. On behalf of Plaintiffs and Defendants, we submit this joint status letter pursuant to the Court’s Order dated June 4, 2019 (ECF No. 18).

As noted in our previous status report (ECF No. 33), on June 26, 2019, Plaintiffs filed an Amended Complaint (ECF No. 25), as of right, as they uncovered, pursuant to their continuing internal investigation and forensic review of documents and data, additional facts that Plaintiffs assert support their claims against the three Defendants. In response to the Amended Complaint, Defendants filed a partial motion to dismiss on July 17, 2019 (ECF No. 32).

On July 31, 2019, Plaintiffs filed an opposition to Defendant’s motion (ECF No. 35), and on August 7, 2019, Defendants filed a reply in support of their motion (ECF No. 36). Defendants’ partial motion to dismiss is now fully briefed and pending before the Court.

Plaintiffs have recently become aware of troubling conduct by Defendants which Plaintiffs believe may violate the Temporary Restraining Order and/or Defendants’ restrictive covenant obligations, and are in the process of completing their investigation into these occurrences. In the event Plaintiffs’ investigation reveals conduct which they believe violates this Court’s Order and/or Defendants’ obligations, Plaintiffs may need the Court’s prompt intervention to address this conduct. Plaintiffs will complete their investigation as soon as possible.

Defendants were unaware that Plaintiffs believe Defendants may have engaged in any such conduct until receiving a draft of this status report from Plaintiffs today. Defendants invite Plaintiffs to engage in a dialogue to attempt to address Plaintiffs’ concerns without judicial intervention.

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Pursuant to the Court's June 4, 2019 Order, the parties will provide another joint status report in 30 days.

Respectfully submitted,

/s/ Gary D. Friedman

Gary D. Friedman

cc: Defendants' Counsel

The Court appreciates this update.

8/29/2019

SO ORDERED.



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PAUL A. ENGELMAYER  
United States District Judge